

96TH CONGRESS
1ST SESSION

H.R. 5615

To amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain United States intelligence officers, agents, informants, and sources.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 1979

Mr. BOLAND (for himself, Mr. ZABLOCKI, Mr. BURLISON, Mr. MURPHY of Illinois, Mr. ASPIN, Mr. ROSE, Mr. MAZZOLI, Mr. MINETA, Mr. FOWLER, Mr. ROBINSON, Mr. ASHBROOK, Mr. MCCLORY, Mr. WHITEHURST, and Mr. YOUNG of Florida) introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

A BILL

To amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain United States intelligence officers, agents, informants, and sources.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "Intelligence Identities
- 4 Protection Act".

1 SEC. 2. (a) The National Security Act of 1947 is
2 amended by adding at the end thereof the following new title:

3 “TITLE V—PROTECTION OF CERTAIN NATIONAL
4 SECURITY INFORMATION

5 “PROTECTION OF IDENTITIES OF CERTAIN UNITED
6 STATES UNDERCOVER INTELLIGENCE OFFICERS,
7 AGENTS, INFORMANTS, AND SOURCES

8 “SEC. 501. (a) Whoever, having or having had author-
9 ized access to classified information that—

10 “(1) identifies as an officer or employee of an in-
11 telligence agency, or as a member of the Armed
12 Forces assigned to duty with an intelligence agency,
13 any individual (A) who in fact is such an officer, em-
14 ployee, or member, (B) whose identity as such an offi-
15 cer, employee, or member is classified information, and
16 (C) who is serving outside the United States or has
17 within the last five years served outside the United
18 States; or

19 “(2) identifies as being or having been an agent
20 of, or informant or source of operational assistance to,
21 an intelligence agency any individual (A) who in fact is
22 or has been such an agent, informant, or source, and
23 (B) whose identity as such an agent, informant, or
24 source is classified information,

1 intentionally discloses to any individual not authorized to re-
2 ceive classified information any information that identifies an
3 individual described in paragraph (1) or (2) as such an officer,
4 employee, or member or as such an agent, informant, or
5 source, knowing or having reason to know that the informa-
6 tion disclosed so identifies such individual and that the United
7 States is taking affirmative measures to conceal such individ-
8 ual's intelligence relationship to the United States, shall be
9 fined not more than \$50,000 or imprisoned not more than ten
10 years, or both.

11 “(b) Whoever with the intent to impair or impede the
12 foreign intelligence activities of the United States discloses to
13 any individual not authorized to receive classified information
14 any information that—

15 “(1) identifies as an officer or employee of an in-
16 telligence agency, or as a member of the Armed
17 Forces assigned to duty with an intelligence agency,
18 any individual (A) who in fact is such an officer, em-
19 ployee, or member, (B) whose identity as such an offi-
20 cer, employee, or member is classified information, and
21 (C) who is serving outside the United States or has
22 within the last five years served outside the United
23 States; or

24 “(2) identifies as being or having been an agent
25 of, or informant or source of operational assistance to,

1 an intelligence agency any individual (A) who in fact is
2 or has been such an agent, informant, or source, and
3 (B) whose identity as such an agent, informant, or
4 source is classified information,
5 knowing or having reason to know that the information dis-
6 closed so identifies such individual and that the United States
7 is taking affirmative measures to conceal such individual's
8 intelligence relationship to the United States, shall be fined
9 not more than \$5,000 or imprisoned not more than one year,
10 or both.

11 “DEFENSES AND EXCEPTIONS

12 “SEC. 502. (a) It is a defense to a prosecution under
13 section 501 that before the commission of the offense with
14 which the defendant is charged, the United States had pub-
15 licly acknowledged or revealed the intelligence relationship
16 to the United States of the individual the disclosure of whose
17 intelligence relationship to the United States is the basis for
18 the prosecution.

19 “(b)(1) Subject to paragraph (2), no person other than a
20 person committing an offense under section 501 shall be sub-
21 ject to prosecution under such section by virtue of section 2
22 or 4 of title 18, United States Code, or shall be subject to
23 prosecution for conspiracy to commit an offense under such
24 section.

5

1 “(2) Paragraph (1) shall not apply in the case of a
2 person who acted with the intent to impair or impede the
3 foreign intelligence activities of the United States.

4 “(c) In any prosecution under section 501(b), proof of
5 intentional disclosure of information described in such sec-
6 tion, or inferences derived from proof of such disclosure, shall
7 not alone constitute proof of intent to impair or impede the
8 foreign intelligence activities of the United States.

9 “(d) It shall not be an offense under section 501 to
10 transmit information described in such section directly to the
11 Select Committee on Intelligence of the Senate or to the Per-
12 manent Select Committee on Intelligence of the House of
13 Representatives.

14 “EXTRATERRITORIAL JURISDICTION

15 “SEC. 503. There is jurisdiction over an offense under
16 section 501 committed outside the United States if the indi-
17 vidual committing the offense is a citizen of the United States
18 or an alien lawfully admitted to the United States for perma-
19 nent residence (as defined in section 101(a)(20) of the Immi-
20 gration and Nationality Act).

21 “PROVIDING INFORMATION TO CONGRESS

22 “SEC. 504. Nothing in this title shall be construed as
23 authority to withhold information from Congress or from a
24 committee of either House of Congress.

1 “DEFINITIONS

2 “SEC. 505. For the purposes of this title:

3 “(1) The term ‘classified information’ means infor-
4 mation or material designated and clearly marked or
5 clearly represented, pursuant to the provisions of a
6 statute or Executive order (or a regulation or order
7 issued pursuant to a statute or Executive order), as re-
8 quiring a specific degree of protection against unau-
9 thorized disclosure for reasons of national security.

10 “(2) The term ‘authorized’, when used with re-
11 spect to access to classified information, means having
12 authority, right, or permission pursuant to the provi-
13 sions of a statute, Executive order, directive of the
14 head of any department or agency engaged in foreign
15 intelligence or counterintelligence activities, order of a
16 United States district court, or provisions of any Rule
17 of the House of Representatives or resolution of the
18 Senate which assigns responsibility within the respec-
19 tive House of Congress for the oversight of intelligence
20 activities.

21 “(3) The term ‘disclose’ means to communicate,
22 provide, impart, transmit, transfer, convey, publish, or
23 otherwise make available.

1 “(4) The term ‘intelligence agency’ means the
2 Central Intelligence Agency or any intelligence compo-
3 nent of the Department of Defense.

4 “(5) The term ‘informant’ means any individual
5 who furnishes or has furnished information to an intel-
6 ligence agency in the course of a confidential relation-
7 ship protecting the identity of such individual from
8 public disclosure.

9 “(6) The terms ‘agent’, ‘informant’, and ‘source of
10 operational assistance’ do not include individuals who
11 are citizens of the United States residing within the
12 United States.

13 “(7) The terms ‘officer’ and ‘employee’ have the
14 meanings given such terms by sections 2104 and 2105,
15 respectively, of title 5, United States Code.

16 “(8) The term ‘Armed Forces’ means the Army,
17 Navy, Air Force, Marine Corps, and Coast Guard.

18 “(9) The term ‘United States’, when used in a ge-
19 ographic sense, means all areas under the territorial
20 sovereignty of the United States and the Trust Terri-
21 tory of the Pacific Islands.”.

22 (b) The table of contents at the beginning of such Act is
23 amended by adding at the end thereof the following:

8

“TITLE V—PROTECTION OF CERTAIN NATIONAL SECURITY
INFORMATION

- “Sec. 501. Protection of identities of certain United States Undercover intelligence officers, agents, informants, and sources.
- “Sec. 502. Defenses and exceptions.
- “Sec. 503. Extraterritorial jurisdiction.
- “Sec. 504. Providing information to Congress.
- “Sec. 505. Definitions.”.

